IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2007

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN

Writ Petition No.14587 of 1999

1. Pacha Gounder
2. Thayammal .. Petitioners

vs.

1. The Government of Tamil Nadu
   rep. by its Secretary to Government
   Revenue Department,
   Fort St. George,
   Madras - 600 009

2. The Special Tahsildar,
   (Land Acquisition) Adi Dravida
   Welfare, Pollachi,
   Pollachi Taluk
   Coimbatore District. .. Respondents

This writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of declaration to declare Section 23-A of the Land Acquisition Act 1894 as amended by the Tamil Nadu Amendment Act, 16/1997 as illegal, unconstitutional as for the petitioners herein are concerned.

For petitioners : Mr.K.Kalyanasundaram

For respondents : Mr.V.Manoharan
Government Advocate

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O R D E R

Heard Mr.K.Kalyanasundaram the learned counsels appearing for the petitioners and Mr.V.Manoharan, the learned Government Advocate appearing for the respondents.

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2. At the stage of the hearing of the writ petition, it is brought to the notice of this Court that the issue involved in the present writ petition is covered by an order of a Division Bench of this Court, in RAJASHERIFF Vs. THE GOVERNMENT OF TAMIL NADU AND ANOTHER (2001 (4) CTC 577).

3. Paragraph 51 of the said order reads as follows:

> "51. The new Section 23A, constituting as it does an impermissible in road into the judicial field with the legislature seeking to exercise judicial power, and also being violative of the petitioners' right to non-arbitrary, non-discriminatory, and equal treatment under the law, the same is liable to be, and is struck down as unconstitutional."

4. In view of the said decision of the Division Bench of this Court, no further orders are required to be passed in the above writ petition. Hence, the writ petition is dismissed as infructuous. No costs.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

To

1. The Secretary to Government
   Revenue Department,
   Fort St. George,
   Chennai - 600 009

2. The Special Tahsildar,
   (Land Acquisition) Adi Dravida
   Welfare, Pollachi,
   Pollachi Taluk,
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